

IN THE MATTER OF:
Rachelle Abernathy
Certification No. 07-0028-P

On August 21, 2012, the Respondent was accused of sending inflammatory emails to another female, who had been sending pictures to the Respondent's boyfriend. The pictures depicted the female victim in her underwear. The Respondent obtained the address of the victim's relative and sent the pictures to the victim's husband. The Respondent improperly used the T.L.O. program in the CID office to look up personal information on the victim and her family. When initially asked how the Respondent obtained the address for the victim, the Respondent stated she had a friend in Eddy County get it for her. The Respondent did admit to sending the email, correspondence, and the improper use of the TLO program in an IA investigation. As a result, an internal affairs investigation was conducted resulting in a transfer out of CID and a 120-hour suspension without pay.

Director's Recommendation – Approve Stipulated Order of Suspension
3 month suspension, 1 year probation and complete a Law Enforcement Course in Ethics

Accepted ✓ Rejected _____
If rejected, Board's Recommendation _____

BEFORE THE NEW MEXICO
LAW ENFORCEMENT ACADEMY BOARD

IN THE MATTER OF:
James Eddie Acree, III
Certification No. 06-0183-P

MISCONDUCT:

On September 4, 2012, a supervisor was assigned by the Sheriff to review payroll vouchers submitted by the Respondent, for over time he claimed he had worked on traffic enforcement. During the audit, three payroll vouchers submitted for over time were found to have been falsified; when it was discovered that the Respondent had not actually worked over time on the dates listed.

TIMELINE: Respondent was served with a NCA on or around October 4, 2012, the Respondent responded in writing and requested an informal hearing. An informal hearing was held on October 30, 2012. As a result of the informal hearing a Stipulated Order was served on the Respondent, which he agreed to and signed.

Director's Recommendation – Approve Stipulated Order of Suspension
3 month suspension, 1 year probation and complete a Law Enforcement Course in Ethics

Accepted _____ Rejected _____
If rejected, Board's Recommendation _____

Accepted ✓ Rejected _____
If rejected, Board's Recommendation _____

BEFORE THE NEW MEXICO
LAW ENFORCEMENT ACADEMY BOARD

IN THE MATTER OF:

Desidero Garcia

Certification No. 11-0268-P

MISCONDUCT:

On October 16, 2012, the Respondent was accused of using excessive force against an intoxicated male he arrested after observing the suspect stumble and urinate on a public road. The suspect refused the Respondent's command to step in front of his police unit. While interviewing the suspect, the Respondent observed a bulge under the suspect's shirt and noticed the suspect reaching for his pocket disregarding the Respondent's commands to show his hands. The suspect reached into his pocket and was immediately taken to the ground by the Respondent causing a gash on the forehead over the right eye of the suspect. An internal affairs investigation was concluded that use of force was warranted, but not to the extent used by the Respondent.

In a separate incident, a female provided a photograph to the Bernalillo Police Department, that depicts her ex-husband performing fellatio on the Respondent who is shown wearing a police uniform. The ex-wife reported that a sexual relationship between her ex-husband and the Respondent had been ongoing. The female provided copies of emails and photographs as proof of the relationship. When confronted by the Chief and staff with evidence of the reported sexual relationship the Respondent admitted to it.

TIMELINE: Respondent was served with an NCA on or around November 15, 2012, the Respondent responded in writing and requested an informal hearing. An informal hearing was held on December 7, 2012. As a result of the informal hearing a Stipulated Order was served on the Respondent, which he agreed to and signed.

Director's Recommendation – Approve Stipulated Order of Suspension
4 month suspension, 1 year probation, and a Law Enforcement Course in Ethics

Accepted ✓ Rejected _____
If rejected, Board's Recommendation _____

BEFORE THE NEW MEXICO
LAW ENFORCEMENT ACADEMY BOARD

IN THE MATTER OF:

Leslie Lopez

Certification No. 11-0268-P

MISCONDUCT:

On or about January 20, 2011 the Respondent was demoted by her Department from rank of Sergeant to Patrol Officer after being accused of several infractions listed as follow: #1. Misuse of the chief's laptop computer by deleting her internal affairs file. #2. Removing a stack of police department documents containing disciplinary matters of other police officers. #3. A search warrant was executed at the Respondent's residence where paper documents printed at the Bosque Police Department were found in two (2) backpacks inside the residence also found inside a shed was a small clear box containing a green leafy substance and a glass pipe that had the smell of marijuana. On April 21, 2012 the Respondent was terminated for violating Police Department Standard Operating Procedures.

On or about April 8, 2011 a recommendation was made for termination pursuant to infractions and violations of the Bosque Farms Police Department Standard Operating Procedures.


The case was submitted to the District Attorney for trial where the Respondent was found not guilty on four of the charges and the District Attorney dismissed the remaining charges. There are no charges pending against the Respondent on this matter.

TIMELINE: Respondent was served with an NCA on or around June 28, 2012, the Respondent responded in writing and requested an informal hearing. An informal hearing was held on August 1, 2012. As a result of the informal hearing a Stipulated Order was served on the Respondent, which she agreed to and signed.

Director's Recommendation – Approve Stipulated Order of Suspension

4 month suspension, 1 year probation, a Law Enforcement Course in Ethics, and 8 hours community service

Accepted



Rejected

If rejected, Board's Recommendation

BEFORE THE NEW MEXICO
LAW ENFORCEMENT ACADEMY BOARD

IN THE MATTER OF:

Frank Tillman

Certification No. 05-0152-P

MISCONDUCT:

In June of 2012, the Respondent exchanged inappropriate text messages with a 17 year old female that he had previously met during a traffic stop. According to the 17 year old female, the Respondent told her that he would dismiss the speeding ticket he had issued her when they went to court but that he had to issue her the citation for speeding. The text messages were viewed by an adult friend of the female; she deemed the messages as inappropriate and reported her concern the Respondent's supervisor. As a result, an internal affairs investigation was conducted resulting in a 160-hour suspension, with 40-hours held in abeyance.

TIMELINE: Respondent was served with a NCA on or around October 11, 2012, the Respondent responded in writing and requested an informal hearing. An informal hearing was held on November 2, 2012. As a result of the informal hearing a Stipulated Order was served on the Respondent, which he agreed to and signed.

Director's Recommendation – Approve Stipulated Order of Suspension
3 month suspension, 1 year probation and complete counseling

Accepted ✓ Rejected _____

If rejected, Board's Recommendation _____

BEFORE THE NEW MEXICO
LAW ENFORCEMENT ACADEMY BOARD

IN THE MATTER OF:

Royce Vigil

Certification No. 11-0254-P

MISCONDUCT:

On or about May 15, 2012, the Respondent was arrested inside the boundary of Kirtland Air Force Base and charged with driving while under the influence of intoxicating liquor. Prior to being arrested, the Respondent was approaching the Gibson Gate security entrance at a high rate of speed. The Chevy SUV, being driving by the Respondent, was dragging its rear bumper giving the officer reason to stop the vehicle. During the investigation the Respondent was very uncooperative and also displayed signs of impairment. The Respondent failed a partial field sobriety test and refused to continue with the full test. He also refused to submit to an Intoxilyzer test to determine his alcohol level. A search of the Respondent's vehicle produced a few empty containers of intoxicating beverages.

TIMELINE: Respondent was served with a NCA on or around October 4, 2012, the Respondent responded in writing and requested an informal hearing. An informal hearing was held on October 30, 2012. As a result of the informal hearing a Stipulated Order was served on the Respondent, which he agreed to and signed.

Director's Recommendation – Approve Stipulated Order of Suspension

3 month suspension, 1 year probation and complete a Law Enforcement Course in Ethics

Accepted _____

Rejected ☒

If rejected, Board's Recommendation

1 year suspension

BEFORE THE NEW MEXICO
LAW ENFORCEMENT ACADEMY BOARD

IN THE MATTER OF:

Christopher Juarez

Certification No. 01-0159-P

MISCONDUCT:

On May 29, 2012, the Respondent failed to report that he changed his scheduled travel plans to his supervisor for a training conference in Vail, Colorado which had been approved by his employing agency. The Respondent changed his flight itinerary from May 29, 2012 to May 30, 2012 without notifying his chain of command. It was later learned that the Respondent had changed his itinerary in order to go to a job interview. When it was determined by the Respondents supervisor that he had changed his itinerary, the Respondent was asked by his supervisor, was he in attendance on the first day of the conference, the Respondent said yes; however, it was later determined that he Respondent had arrived late at the conference and had missed part of the training.

TIMELINE: Respondent was served with a NCA on or around December 21, 2012, the Respondent responded in writing and requested an informal hearing. An informal hearing was held on December 31, 2012. As a result of the informal hearing a Stipulated Order was served on the Respondent, which he agreed to and signed.

Director's Recommendation – Approve Stipulated Order of Suspension

4 month suspension, 1 year probation and complete a Law Enforcement Course in Ethics

Accepted ✓ Rejected _____

If rejected, Board's Recommendation _____

BEFORE THE NEW MEXICO
LAW ENFORCEMENT ACADEMY BOARD

IN THE MATTER OF:

Adam Crosby

Certification No. 03-0026-P

MISCONDUCT:

On May 16, 2011, the Respondent and Deputy Tanny responded to the area of Southern Boulevard and 60th Street to assist with the investigation of a loud party. Upon arrival, Deputy Crosby encountered Ms. Danielle Kelly a 16 year old female. The Respondent stated that Danielle Kelly had not violated any criminal violations, and that he attempting to identify her. The Respondent admitted to tasing her as a result of a perceived threat when she picked up her purse from the ground after he kicked it from her reach. Ms. Kelly was tased at least twice during this initial encounter resulting in one probe entering her abdomen through her clothing. The Respondent chased Ms. Kelly for a short distance and both went to the ground where a third tasing was delivered. Ms. Kelly was compliant after being contact tased and hand cuffed. She was criminally charged with Disorderly Conduct and Resisting an Officer after being taken into custody.

TIMELINE: Respondent was served with an NCA on or around August 23, 2012, the Respondent was contacted through his attorney and an informal hearing was requested. An informal hearing was held on December 20, 2012. As a result of the informal hearing a Cautionary Letter was issued.

Director's Recommendation – Approve Cautionary Letter

Accepted _____ Rejected ✓

If rejected, Board's Recommendation

Cautionary letter to include Use of force class

BEFORE THE NEW MEXICO
LAW ENFORCEMENT ACADEMY BOARD

IN THE MATTER OF:

Donald Duran

Certification No. 05-0055-P

MISCONDUCT:

On February 16, 2011, a formal complaint was filed against the Respondent through the Internal Affairs Unit of the Santa Fe Police Department regarding an unauthorized tasing incident that occurred several years ago and was never reported by the Respondent per policy direction. When interviewed about the matter, the Respondent admitted that he tased a gas station clerk who he knew. Respondent admitted it occurred several years ago, but he does not remember the exact date it happened. He advised the reason he did it was because the gas station clerk insisted that he wanted to be tased just to see how it felt. After being asked by the same gas clerk repeatedly, the Respondent obliged with a short burst from his drive stun, which did not cause any harm to the person who was tased. The Respondent received a one (1) day suspension for the incident.

TIMELINE: Respondent was served with an NCA on or around November 28 2012, the Respondent responded in writing and requested an informal hearing. An informal hearing was held on December 18, 2012. As a result of the informal hearing a Cautionary Letter was issued.

Director's Recommendation – Approve Cautionary Letter

Accepted ✓ Rejected _____
If rejected, Board's Recommendation _____

BEFORE THE NEW MEXICO
LAW ENFORCEMENT ACADEMY BOARD

IN THE MATTER OF:

Samuel Hanna

Certification No. 10-0136-P

MISCONDUCT:

During the month of September 2012, exact date unknown the Respondent conducted a traffic stop of a vehicle for speeding. The driver was an off duty police officer with two passengers, one seated in the rear seat. During the conversation with the driver of the vehicle, the Respondent recognized the passenger/victim sitting on the rear seat of the vehicle, from an EMT class they attended together. The Respondent then moved to the left rear window, un-holstered his taser, and pointed it at the victim's leg simultaneously telling the victim "do you want to see something funny?" The victim then pushed the taser away inactivated. The off duty officer and the victim believed that the pointing of the taser was without provocation and unjustifiable. The Respondent was terminated from employment.

TIMELINE: Respondent was served with a NCA on or around December 7, 2012, the Respondent responded in writing and requested an informal hearing. An informal hearing was held on December 18, 2012. As a result of the informal hearing a Cautionary Letter was issued.

Director's Recommendation – Approve Cautionary Letter

Accepted _____ Rejected ☒

If rejected, Board's Recommendation 2 month suspension

If rejected, Board's Recommendation

If rejected, Board's Recommendation

BEFORE THE NEW MEXICO
LAW ENFORCEMENT ACADEMY BOARD

IN THE MATTER OF:

Louis Reynolds

Certification No. 08-0186-P

MISCONDUCT:

On July 12, 2012, a burglary victim reported to the Otero County, Sheriff's Office that the Respondent offered a \$120.00 gift card on behalf of her neighbor with the condition that victim not pursue criminal charges. Prior to the offer, the victim had made it known that if the stolen items were returned she would not pursue charges. The Respondent (acting as a middleman) made the offer on behalf of the mother-in-law of the suspect, who according to the victim, is in a romantic relationship with the Respondent. It is also alleged that the Respondent told another police officer that the fingerprints and DNA evidence which he collected during the investigation were not needed and as a result, the colleague discarded the evidence.

TIMELINE: Respondent was served with a NCA on or around December 3, 2012, the Respondent responded in writing and requested an informal hearing. An informal hearing was held on December 21, 2012. As a result of the informal hearing a Cautionary Letter was issued.

Director's Recommendation – Approve Cautionary Letter

Accepted _____ Rejected _____

If rejected, Board's Recommendation

Pending further review

BEFORE THE NEW MEXICO
LAW ENFORCEMENT ACADEMY BOARD

IN THE MATTER OF:

Carlos Salazar

Certification No. 98-0197-P

MISCONDUCT:

On August 14, 2010, the Respondent arrested a female and charged her with driving while under the influence of intoxicating liquor and/or drugs. The female also reported that during the booking process, the Respondent was flirtatious and groped several parts of her body. She alleges that while being processed at the Albuquerque State Police office, she needed to use the restroom and the Respondent entered the restroom with her and locked the door behind him. After the arrest, it's alleged that the Respondent made unsolicited phone calls to the female in an apparent attempt to establish a relationship informing her that he would help her out with her DWI case. The DWI case against the female was subsequently dismissed due to the fact that the Respondent intentionally didn't show up during the court proceedings.

On March 21, 2012, the female learned that her driver's license had been suspended due to her DWI arrest on August 14, 2010. She under the impression that everything connected with her DWI arrest had been dismissed. Angry over this issue, she then reported being raped by a state police officer later identified as the Respondent. A follow-up investigation on the same date was initiated targeting the Respondent as a suspect. The Respondent at first denied the allegation and denied ever calling and telling her not to tell anyone about him trying to help her out.

TIMELINE: Respondent was served with a NCA on or around August 24, 2012, the Respondent responded in writing and requested an informal hearing. An informal hearing was held on November 21, 2012. As a result of the informal hearing a Cautionary Letter was issued.

Director's Recommendation – Approve Cautionary Letter

Accepted _____

Rejected ☒

If rejected, Board's Recommendation

6-month suspension

BEFORE THE NEW MEXICO
LAW ENFORCEMENT ACADEMY BOARD

IN THE MATTER OF:

Mark Sullivan

Certification No. 09-0223-P

MISCONDUCT:

On October 2, 2012, the Respondent, while hunting antelope in the state of Wyoming, was cited for trespassing on private land without the permission of the land owner. The area where the violation took place on private land is a checkered board area that is difficult to distinguish between state land where hunting is allowed, versus private land where hunting is prohibited without the consent of the private land owner. According to the Respondent several years previously, he had been told by another game warden that it was permissible to hunt in the area where he was cited. The Respondent felt that if he had challenged the citation he would have won his case, but because of the time and expense to travel back to Wyoming, he decided it was easier and cheaper to just pay a fine of \$225. The Respondent received a letter of reprimand from his employer.

TIMELINE: Cautionary Letter was issued.

Director's Recommendation – Approve Cautionary Letter

Accepted



Rejected

If rejected, Board's Recommendation

BEFORE THE NEW MEXICO
LAW ENFORCEMENT ACADEMY BOARD

IN THE MATTER OF:

Justin Trujillo

Certification No. 11-0241-P

MISCONDUCT:

On June 28, 2012, the Respondent, appeared in Magistrate Court to regarding a criminal citation issued to him by the Dona Ana County Sheriff's Department, for Negligent Use of a Firearm. The court appearance by Respondent took place during his lunch hour from 1:00pm to 2:00pm. The case in question was subsequently dismissed by a different Judge. The Respondent claimed overtime for one hour for the time he spent in court in response to the citation he received. The question of untruthfulness was brought up by his employer based on the fact that he claimed overtime for that one hour. Other misconduct attributed to the Respondent included: Failing to intervene during an argument between the Respondent's friend and a waitress claiming that the Respondent's friend was attempting to vandalize her vehicle which was parked outside the restaurant where she works. During the argument, the Respondent did not intervene and made no effort to resolve the issue at hand. As a result of this incident, the Respondent and his friends were told by management that they were no long welcome at the restaurant.

TIMELINE: Respondent was served with a NCA on or around November 1, 2012, the Respondent responded in writing. As a result of the written response a Cautionary Letter was issued.

Director's Recommendation – Approve Cautionary Letter

Accepted _____

Rejected ☒

If rejected, Board's Recommendation

1 year probation

BEFORE THE NEW MEXICO
LAW ENFORCEMENT ACADEMY BOARD

IN THE MATTER OF:

Ben Valdez

Certification No. 06-0058-P

MISCONDUCT:

On September 16, 2011, the Respondent was involved in a verbal dispute with his wife at their residence in Albuquerque, NM. The wife reported the dispute to the Albuquerque Police Department. The APD subsequently, notified the Santa Fe Police Department the Respondents employer resulting in an internal affairs investigation focusing on the activities of the Respondent of the night in question. The investigation revealed that the reported domestic dispute was only a verbal argument. However; the investigation also revealed that the Respondent drove his assigned unmarked police unit to his residence after having consumed alcohol beverages at a restaurant. The Respondent admitted that on that evening, he left the house to avoid further arguing with his wife, and went to the restaurant where a birthday party for a co-worker was being celebrated. While at the restaurant the Respondent consumed two beers and one twelve ounce, long island ice tea beverage in a period of approximately two to three hours. This incident resulted in a one day suspension without pay and a 30-day suspension of take home vehicle privileges.

TIMELINE: Respondent was served with a NCA on or around November 28, 2012, the Respondent responded in writing and requested an informal Hearing. An informal hearing was held on December 10, 2012 and as a result a Cautionary Letter was issued.

Director's Recommendation – Approve Cautionary Letter

Accepted _____ Rejected _____
If rejected, Board's Recommendation _____

Accepted 3 Rejected _____
If rejected, Board's Recommendation _____

IN THE MATTER OF:
Terra Juarez
Certification No. 01-0159-P

Around May 28, 2012, the Respondent was asked to complete a time sheet for her husband (fellow officer), which had been previous practice for other officers on several occasions. The time sheet reflected the time he had worked in the first week of the pay period. The Respondent completed the time sheet and turned it in knowing that her husband would be traveling to Vail, CO for a conference. The Respondent's husband's plans changed on the day he was scheduled to travel, he traveled on Wednesday instead of a Tuesday as reflected on the time sheet. It was alleged that Respondent knowingly submitted a false time sheet. The Respondents husband was unable to change the time sheet to reflect the actual comp or vacation that should have been reflected on the corrected time sheet.

TIMELINE: Respondent was served with a NCA on or around December 21, 2012, the Respondent responded in writing and requested an informal hearing. An informal hearing was held on December 31, 2012. As a result of the informal hearing a Letter of No Action was issued.

Accepted Rejected
If rejected, Board's Recommendation

BEFORE THE NEW MEXICO
LAW ENFORCEMENT ACADEMY BOARD

IN THE MATTER OF:

Ernest C. Armijo

Certification No. 11-0144-P

MISCONDUCT:

On January 18, 2012, the Respondent pled guilty to Criminal Non-Support (State Jail felony offense under Texas law)in Randall County, TX.

TIMELINE: Respondent was served with a NCA on or around May 30, 2012, the Respondent responded in writing and requested an informal hearing. An informal hearing was held on June 28, 2012. As a result of the informal hearing a Stipulated Order was served on the Respondent, which he did not agree to and was served a Notice of Final Decision. A Formal Hearing was scheduled for December 14, 2012. The Respondent subsequently submitted a signed Voluntary Relinquishment of his certification on December 12, 2012.

Director's Recommendation – Ratify Voluntary Relinquishment

Accepted

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Rejected

If rejected, Board's Recommendation

IN THE MATTER OF:
Timothy Carlson
Certification No. 03-0304-P

On March 2, 2012, while on duty, the Respondent was observed, during surveillance by the Albuquerque Police Department, Vice Unit, soliciting prostitutes while driving his assigned, State of New Mexico Police vehicle. The Respondent was arrested by, and booked into the Metropolitan Detention Center, in Albuquerque, NM, on several charges. The Respondent was terminated on March 23, 2012.

TIMELINE: Respondent was served with an NCA on or around May 24 2012. A Stipulated Agreement to hold the Respondent's Law Enforcement Certification in Abeyance was agreed to and signed. On October 19, 2012 it was requested that the parties return to an Informal Hearing. The Respondent returned his signed Voluntary Relinquishment on November 29, 2012.

Director's Recommendation – Ratify Voluntary Relinquishment

Accepted ✓ Rejected _____
If rejected, Board's Recommendation _____

BEFORE THE NEW MEXICO
LAW ENFORCEMENT ACADEMY BOARD

IN THE MATTER OF:

Julie Avila

Certification No. 09-0037-PST

MISCONDUCT:

Between May 15, 2012 and June 4, 2012 in Luna County, New Mexico, the Respondent is alleged to have unlawfully and intentionally released information gained through the Crime Stopper program relating to criminal activity, and contents of records and reports that were confidential. Based on the allegations a misdemeanor criminal complaint was filed in Luna County Magistrate Court against the Respondent. The Respondent resigned her position for personal reasons.

TIMELINE: Respondent was served with a NCA on or around September 7, 2012, the Respondent received the notice on September 11, 2012, and failed to respond. Respondent was served with a NFD on or around October 9, 2012, the NFD was returned via USPS unclaimed the Respondent failed to respond.

Director's Recommendation – Ratify Default Order of Revocation

Accepted ✓ Rejected _____
If rejected, Board's Recommendation _____

BEFORE THE NEW MEXICO
LAW ENFORCEMENT ACADEMY BOARD

IN THE MATTER OF:

Victor Castillo

Certification No. 00-0210-P

MISCONDUCT:

On July 10, 2012, the mother of a sixteen year old female reported to the Portales Police Department that she was concerned with the inappropriate contact between her daughter and the Respondent. She elaborated that her daughter had been texting and calling the Respondent and she suspected that the Respondent was somewhat responsible for her daughter's out of control behavior. A follow-up investigation was initiated leading to the following charges against the Respondent after it was determined that the Respondent provided alcohol to the sixteen year old female and engaged in sexual acts with her at different times:

1. Contributing to the Delinquency of a Minor (4th degree felony);
2. Sexual Exploitation of a Child (Possession) (4th degree, 18 counts);
3. Conspiracy to commit Sexual Exploitation of a Child (Manufacture) (3rd degree);
4. Sexual Exploitation of a Child (Accessory) (2nd degree);
5. Sexual Exploitation of a Child (Distribution) (3rd degree 2 counts)
6. Sexual Exploitation of a Child (Manufacturing) (2nd degree 2 counts);
7. Criminal Sexual contact of a Minor (4th degree felony, 3 counts)
8. Criminal Sexual Penetration of a Minor (4th degree felony, 4 counts)
8. Tampering with evidence (4th degree felony). The Respondent was terminated from employment and is awaiting trial.

TIMELINE: Respondent was served with a NCA on or around September 7, 2012, the Respondent received the notice on September 26, 2012 and failed to respond. Respondent was served with a NFD on or around October 19, 2012 the Respondent and failed to respond.

Director's Recommendation – Ratify Default Order of Revocation
Respondent failed to respond to NCA and NFD

Accepted ✓ Rejected _____
If rejected, Board's Recommendation _____

IN THE MATTER OF:
Jennifer Gray
Certification No. 12-0025-PST

On July 11, 2012, the Respondent was issued a citation by the Gallup Police Department for shoplifting items from the Wal-Mart Store in Gallup, New Mexico. The items taken totaled a value of \$20.23. The Respondent (who was on probationary status) was terminated from her position from the McKinley County Metropolitan Dispatch.

Director's Recommendation – Ratify Default Order of Revocation
Respondent failed to respond to NCA and NFD

Accepted ✓ Rejected _____
If rejected, Board's Recommendation _____

If rejected, Board's Recommendation

If rejected, Board's Recommendation

BEFORE THE NEW MEXICO
LAW ENFORCEMENT ACADEMY BOARD

IN THE MATTER OF:

Brad Riley

Certification No. 01-0280-P

MISCONDUCT:

On February 7 and 8, 2011, new Mexico State Police (NMSP) agents initiated a criminal investigation into allegation that Respondent embezzled federal funds issued to the LEA County Drug Task Force (LCDTF) and that he was in the possession of a stolen firearm.

In March of 2011, Eunice Police Chief Kevin Burnam with the assistance of the LEA County Sheriff's Office conducted an administrative investigation.

On May 20, 2011, Chief of the Eunice Police Department Kevin Burnam issued a Final Report of Investigation regarding Mishandling of Evidence, Possession and Physical Control of Stolen Weapon, False Reporting on Timesheet.

As a result of that investigation the following allegations were sustained against Agent Riley:

- Agent Riley mishandled official funds intended for investigative activities.
- Agent Riley mishandled evidence on multiple occasions.
- Agent Riley presented an inaccurate timesheet which resulted in his recurring pay for the time not worked, as well as not taking 8 hours of leave which he was not entitled.
- Agent Riley sought off-duty employment while he was on administrative leave without seeking permission from his supervisors.

Agent Riley was placed on Administrative Leave on February 7, 2011 for allegations related to: \$600.00 of HIDTA funding unaccounted for while in Agent Riley's possession, a stolen firearm which was found in a bag belonging to Agent Riley on the premises of the LCDTF building after he had been placed on administrative leave; and the possession of multiple cellular phones and a wallet in areas under Agent Riley's control believed to be the property of suspects.

Based on the above allegations and findings Bradley Riley resigned from his position with the Eunice Police Department on May 1, 2011.

TIMELINE: Respondent was served with an NCA on or around August 23, 2012, the Respondent received the notice on October 9, 2012, the Respondent failed to respond. Respondent was served with a NFD on or around November 8, 2012 the Respondent received the notice on November 18, 2012 and failed to respond.

Director's Recommendation – Ratify Default Order of Revocation
Respondent failed to respond to NCA and NFD

Accepted

Rejected

If rejected, Board's Recommendation

BEFORE THE NEW MEXICO
LAW ENFORCEMENT ACADEMY BOARD

IN THE MATTER OF:

David K. Sherman

Certification No. 09-0164-P

MISCONDUCT:

On March 11, 2012 while off duty Officer Sherman was driving his personal vehicle on Interstate 40, in Cibola County, New Mexico, when he lost control of his vehicle and struck another motorist. He was arrested by Laguna Tribal Police for DWI, Reckless Driving, and Tampering with Evidence and incarcerated. The Respondent resigned on March 19, 2012.

TIMELINE: Respondent was served with an NCA on or around May 1, 2012, the Respondent received the notice on May 3, 2012, the Respondent responded in writing and requested an Informal Hearing. As a result the Respondent agreed to place his Law Enforcement Certification in Abeyance until he and the Director agreed to come back to an informal hearing. On October 18, 2012, the Respondent was notified that the Abeyance was not approved by the Board and an informal hearing needed to be rescheduled. The Respondent failed to respond to the letter. Respondent was served with a NFD on or around November 8, 2012 the Respondent received the notice on November 14, 2012 and failed to respond.

Director's Recommendation – Ratify Default Order of Revocation

Respondent failed to respond to NFD

Accepted ✓ Rejected _____

If rejected, Board's Recommendation _____